

such master or skipper to the jail of his county, unless he shall enter into a recognizance with sufficient security, in a sum not exceeding two hundred dollars, upon condition to appear at the next court to be held for such county, and to abide and perform such order or orders as shall be made by such court.

4. If any person shall use any drag, scoop, or rake, or other instrument except tongs, such as have been generally used for the purpose of catching oysters, within the waters of this State, every person so offending, and being thereof convicted before a magistrate of either of the counties adjoining the water course, in which the offence has been committed, shall forthwith pay, if a free man, the sum of twenty dollars, and if a slave, he, she or they shall receive, on his or her bare back, so many stripes as such magistrate shall direct, not exceeding twenty, or be committed by such magistrate to the public jail of the county, there to remain without bail, for thirty days, unless such fine of twenty dollars be sooner discharged, one half of which fine shall go the county, and the other half to the use of the informer: *Provided*, that nothing in this act shall be so construed, as to prevent the carrying of oysters into the North and Northwest rivers, having their source in the State of Virginia, as now practised, nor the exportation of pickled oysters in vessels to the West Indies: *Provided*, that no one vessel shall carry more than sixty gallons at one time.

Penalty for using any instrument except tongs in taking oysters.

4. 1822, c. 1134, s. 4.

CHAPTER 85.  
PARTITION.

AN ACT PRESCRIBING A MODE BY WHICH PARTITION OF REAL AND PERSONAL ESTATES MAY BE MADE AMONG TENANTS IN COMMON, AND IN WHAT CASES SUCH ESTATES MAY BE SOLD FOR A DIVISION.

SECTION

- 1. One or more tenants in common may file a petition in the superior or county court for a division of real estate—Proceedings on such petition.
- 2. The petition to be filed in the superior court when the land lies in different counties—If one co-tenant is absent from the State, advertisement must be made.
- 3. Commissioners to divide the land as equally as possible—Sums charged

SECTION

- on dividends of minors not to be paid until they come of age.
- 4. Sums charged to bear interest—Guardian of minor shall pay when he has assets.
- 5. Sheriff shall summon commissioners and swear them.
- 6. Pay of commissioners—Court to order by whom the costs of the petition shall be paid.
- 7. Court of equity may order a sale of